

Message Text

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41

ACTION COA-02

INFO OCT-01 EUR-25 ADP-00 L-03 DODE-00 CG-00 SSO-00 INRE-00

SS-15 NSC-10 NSCE-00 CIAE-00 INR-10 NSAE-00 RSC-01

PA-03 PRS-01 USIE-00 INT-08 VO-03 IO-13 EB-11 AGR-20

RSR-01 OIC-04 DOTE-00 FMC-04 TRSE-00 /135 W

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O R 191552 Z JUN 73

FM AMEMBASSY COPENHAGEN

TO SECSTATE WASHDC IMMEDIATE 7187

INFO DEPT OF COMMERCE

AMEMBASSY MOSCOW

LIMITED OFFICIAL USE SECTION 1 OF 2 COPENHAGEN 1403

E. O. 11652: N/A

TAGS: EFIS, OCON, XN, US, UR

SUBJ: FISHERIES: SOVIET BILATERAL NEGOTIATIONS

FOR COA/ L/ OA, AND SOV

FROM USDEL

1. AGREEMENT REACHED AS FOLLOWS. TEXTS NOW BEING COMPARED FOR TYPING TOMORROW AND SIGNATURE ON THURSDAY. SOVIETS INSISTED ON THURSDAY SIGNING. PLEASE ADVISE BY IMMEDIATE NIACT CABLE TODAY IF ANY OBJECTION THIS PLAN.

2. AGREEMENT FOLLOWS WORKING PAPER DEVELOPED AT MOSCOW NEGOTIATIONS IN FEBRUARY. PARAGRAPH 2 E AND F DELETE PARENTHETICALS. PARA 3 SPLIT INTO TWO PARAS WITH 3 ON LOBSTER AS NOW WRITTEN AND NEW 4 ON YELLOWTAIL.

PARA 4 READS AS FOLLOWS: QTE: CONSIDERING THE NECESSITY TO CONSERVE THE STOCKS OF YELLOWTAIL FLOUNDER INHABITING THE SHALLOW WATERS IN THE SOUTHERN NEW ENGLAND AND NORTHERN MID- ATLANTIC AREAS, TAKING INTO ACCOUNT THAT THESE STOCKS MIGRATE IN THESE AREAS, AND
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REALIZING THAT CONSERVATION MEASURES MAY BE EFFECTIVE ONES ONLY IF APPLIED TO A STOCK AS A WHOLE, THE GOVT OF THE UNION OF SOVIET SOCIALIST REPUBLICS AGREES TO LIMIT ITS FISHING OPERATIONS CONDUCTED BY VESSELS OF MORE THAN 145 FEET IN LENGTH TO MID- WATER TRAWLING, USING MID- WATER TRAWL DOORS, DURING THE PERIOD FROM JULY 1 THROUGH DECEMBER 31 IN THE AREA ADJACENT TO THE UNITED STATES COAST NORTH OF 40 DEGREES 20 ' N AND SOUTH OF 43 DEGREES 17' N, AND WEST OF THE LINE DRAWN BETWEEN THE POINTS OF 68 DEGREES 15' W, 40 DEGREES 20' N AND 70 DEGREES 00' W, 43 DEGREES 17' N.

REPRESENTATIVES OF BOTH GOVTS WILL MEET PRIOR TO THE EXPIRATION OF THE PERIOD OF VALIDITY OF THIS AGREEMENT, WITH A VIEW TO CONSIDERING FURTHER CONSERVATION MEASURES FOR YELLOWTAIL FLOUNDER STOCKS. THE IMPLEMENTATION OF THIS PARA OF THE AGREEMENT SHALL NOT RESULT IN AN INCREASE IN FISHING VESSELS UNITS IN THE SHALLOW WATER AREAS ON GEORGES BANK. UNQTE.

3. OLD PARA 7 CHANGE 14 DAY REQUEST FOR BOSTON TO 7 DAYS AND 21 DAYS FOR VISAS TO 14 DAYS.

4. OLD PARA 10 REPLACED BY FOLLOWING QTE: THE SCHEME OF JOINT ENFORCEMENT IN EFFECT UNDER THE INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES (1949) SHALL APPLY TO ENFORCEMENT OF THE PROVISIONS OF THIS AGREEMENT. ENFORCEMENT SHALL BE ON A VOLUNTARY BASIS, EXCEPT FOR ENFORCEMENT OF REGULATIONS IN EFFECT UNDER THE CONVENTION. THE SCHEME OF JOINT ENFORCEMENT WILL BE APPLIED ON A VOLUNTARY BASIS TO ENFORCEMENT OF REGULATIONS IN EFFECT UNDER THE CONVENTION IN STATISTICAL AREA 6 UNTIL THE SCHEME BECOMES EFFECTIVE IN THAT AREA FOR BOTH GOVTS. EACH GOVT WILL INFORM THE OTHER OF THE DATE ON WHICH IT IS ABLE TO APPLY THE SCHEME ON A MANDATORY BASIS IN STATISTICAL AREA 6. UNQTE.

5. OLD PARA 12 INSERT IN BLANKS JULY 1, 1973, DECEMBER 31, 1974, AND MARCH 31, 1974.

6. PROTOCOL TO BE SIGNED AT SAME TIME EXTENDS CONCILIATION BOARD TO ATLANTIC AS FOLLOWS: QTE:

PROTOCOL TO THE AGREEMENT

BETWEEN THE GOVT OF THE UNITED STATES OF AMERICA
AND
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THE GOVT OF THE UNION OF SOVIET SOCIALIST RESPUBLICS
RELATING TO THE CONSIDERATION OF CLAIMS RESULTING
FROM DAMAGE TO FISHING VESSELS OR GEAR
AND MEASURES TO PREVENT FISHING CONFLICTS

THE GOVT OF THE UNITED STATES OF AMERICA AND THE GOVT OF THE UNION OF SOVIET SOCIALIST REPUBLICS, CONSIDERING THAT A COMMON UNDERSTANDING IS DESIRABLE ON THE APPLICATION OF THE AGREEMENT BETWEEN THE GOVT OF THE UNITED STATES OF AMERICA AND THE GOVT OF THE UNION OF SOVIET SOCIALIST REPUBLICS RELATING TO THE CONSIDERATION OF CLAIMS RESULTING FROM DAMAGE TO FISHING VESSELS OR GEAR AND MEASURES TO PREVENT FISHING CONFLICTS, DONE AT MOSCOW ON FEBRUARY 21, 1973, HEREINAFTER REFERRED TO AS THE AGREEMENT, NOTING THE DISCUSSION OF THIS MATTER DURING MEETINGS OF THE REPRESENTATIVES OF THE TWO GOVTS IN MOSCOW IN JANUARY- FEBRUARY, 1973 AND IN JUNE 1973 IN COPENHAGEN, HAVE AGREED TO THE FOLLOWING:

1. THE GOVT OF THE UNITED STATES OF AMERICA AND THE GOVT OF THE UNION OF SOVIET SOCIALIST REPUBLICS AGREE THAT THE TWO AMERICAN-SOVIET FISHERIES CLAIMS BOARDS ESTABLISHED UNDER THE AGREEMENT SHALL CONSIDER CLAIMS ARISING IN THE WESTERN AREAS OF THE ATLANTIC OCEAN IN ADDITION TO THEIR CONSIDERATION OF CLAIMS ARISING IN THE NORTHEASTERN PACIFIC OCEAN. (CONT...)
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O R 191552 Z JUN 73

FM AMEMBASSY COPENHAGEN

TO SECSTATE WASHDC IMMEDIATE 7188

INFO DEPT OF COMMERCE

AMEMBASSY MOSCOW

LIMITED OFFICIAL USE SECTION 2 OF 2 COPENHAGEN 1403

SUBJ: FISHERIES: SOVIET BILATERAL NEGOTIATIONS

FOR COA, L/ OA, AND SOV

FROM USDEL

2. THE TWO GOVTS AGREE THAT THE ANNEX ATTACHED TO THIS PROTOCOL SHALL CONSTITUTE ANNEX II TO THE AGREEMENT RELATING TO THE CONSIDERATION OF CLAIMS RESULTING FROM DAMAGE TO FISHING VESSELS OR GEAR AND MEASURES TO PREVENT FISHING CONFLICTS, AND SHALL FORM AN INTEGRAL PART OF THAT AGREEMENT.

3. THE TWO GOVTS UNDERSTAND THAT THE CLAIMS BOARDS SHALL BE GUIDED BY THE CRITERIA SET FORTH IN ANNEX II IN THEIR CONSIDERATION OF THOSE CLAIMS WHICH ARISE IN THE WESTERN ATLANTIC OCEAN SUBSEQUENT TO THE ENTRY INTO FORCE OF THIS PROTOCOL. THE TWO GOVTS SHALL ENCOURAGE THEIR FISHERMEN TO FOLLOW, INsofar AS PRACTICABLE, THE RULES SET FORTH IN THIS ANNEX.

4. THE TWO GOVTS UNDERSTAND THAT THE ANNEX ATTACHED TO THIS PROTOCOL CONTAINS INTERIM RULES WHICH ARE SUBJECT TO MODIFICATION OF TERMINATED OFFICIAL USE
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NATION BY MUTUAL AGREEMENT AT ANY TIME. IT IS FURTHER UNDERSTOOD THAT REPRESENTATIVES OF THE TWO GOVTS SHALL CONSIDER MORE SPECIFIC RULES FOR FIXED GEAR WITHIN SIX MONTHS FOLLOWING THE SIGNING OF THIS PROTOCOL.

5. THE ABOVE PROVISIONS SHALL FORM AN INTEGRAL PART OF THE AGREEMENT.

6. THIS PROTOCOL SHALL ENTER INTO FORCE ON SIGNATURE, AND SHALL REMAIN IN FORCE DURING THE PERIOD OF VALIDITY OF THE AGREEMENT, SUBJECT TO THE PROVISIONS OF ARTICLES XII AND XIII THEREOF.

ANNEX II
MEASURES TO PREVENT FISHING CONFLICT
IN THE WESTERN AREAS OF THE ATLANTIC OCEAN
OFF THE COAST OF NORTH AMERICA

1. A. THIS ANNEX APPLIES TO THE WATERS OF THE ATLANTIC OCEAN OFF THE COAST OF NORTH AMERICA.

B. (SAME AS PACIFIC ANNEX)

2. (SAME AS PACIFIC ANNEX)

3. (SAME AS PARA 5 IN PACIFIC ANNEX)

4. WITH RESPECT TO NETS, LINES AND OTHER GEAR ANCHORED IN THE SEA, FISHING VESSELS SHALL COMPLY WITH THE RULES SET OUT BELOW IN THIS PARAGRAPH.

A. GEAR SHALL BE MARKED SUFFICIENTLY TO INDICATE ITS POSITION

AND EXTENT. THE ENDS OF LINES TO WHICH LOBSTER POTS ARE ATTACHED SHOULD BE MARKED WITH BUOYS. THE WESTERN- MOST (MEANING THE HALF COMPASS CIRCLE FROM SOUTH THROUGH WEST TO AND INCLUDING NORTH) END BUOY SHOULD BE FITTED WITH TWO FLAGS ONE ABOVE THE OTHER OR ONE FLAG AND A RADAR REFLECTOR, AND THE EASTERNMOST (MEANING THE HALF COMPASS CIRCLE FROM NORTH THROUGH EAST TO AND INCLUDING SOUTH) END BUOY SHOULD BE FITTED WITH ONE FLAG OR A RADAR REFLECTOR. THE WESTERNMOST END BUOY MAY BE FITTED WITH ONE OR TWO WHITE LIGHTS, AND THE EASTERNMOST END BUOY MAY BE FITTED WITH ONE WHITE LIGHT. ON LOBSTER GEAR EXTENDING MORE THAN 1 1/2 MILES ADDITIONAL BUOYS SHOULD BE PLACED AT DISTANCES OF NOT MORE THAN 1 MILE SO THAT NO PART OF THE GEAR EXTENDING 1 MILE OR MORE IS LEFT LIMITED OFFICIAL USE
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UNMARKED. EACH ADDITIONAL BUOY SHOULD BE FITTED WITH A FLAG OR A RADAR REFLECTOR AND MAY BE FITTED WITH ONE WHITE LIGHT. THE FLAGPOLE OF EACH BUOY SHOULD HAVE A HEIGHT OF AT LEAST 2 METERS ABOVE THE BUOY. EACH BUOY SHOULD BE MARKED TO THAT OWNERSHIP MAY BE DETERMINED.

B. FISHING VESSELS OPERATING GEAR ANCHORED IN THE SEA SHALL, WHEN THEY ARE PRESENT, NOTIFY APPROACHING VESSELS OF THE POSITION AND EXTENT OF GEAR.

C. FISHING VESSELS USING MOBILE GEAR SHALL:

(1) MAINTAIN A CONTINUOUS VISUAL AND RADAR WATCH FOR MARKERS INDICATING THE POSITION AND EXTENT OF GEAR ANCHORED IN THE SEA.

(2) AVOID AREAS WHERE GEAR IS KNOWN TO BE ANCHORED IN THE SEA DURING PERIODS OF REDUCED VISIBILITY AND HOURS OF DARKNESS.

5. THE GOVT OF THE UNITED STATES OF AMERICA AND THE GOVT OF THE UNION OF SOVIET SOCIALIST REPUBLICS WILL TO THE FULLEST EXTENT OF THEIR AUTHORITY AND REESOURCES, TAKE STEPS TOMINIMIZE THE POSSIBLITY OF CONFLICT BETWEEN GEAR ANCHORED IN THE SEA AND MOBILE FISHING GEAR. THIS WILL INCLUDE:

A. FOR THE UNITED STATES, WITH RESPECT TO LOBSTER GEAR,

(1) DEVELOPMENT AND USE OF IMPROVED MARKING, DEPLOYMENT, AND NOTIFICATION PRACTICES,

(2) TIMELY NOTICE TO THE SOVIET FISHING FLEET OF KNOWN LOCATIONS OF GEAR, AND

(3) NOTICE TO THE SOVIET FISHING FLEET OF MARKINGS IN USE.

B. FOR BOTH GOVTS, DEVELOPMENT AND USE OF IMPROVED RADIO COMMUNICATIONS BETWEEN INDIVIDUAL VESSELS OF BOTH COUNTRIES.

C. FOR THE SOVIET UNION, NOTICE TO AMERICAN AUTHORITIES OF AREAS
OF CONCENTRATION OF THE SOVIET FISHING FLEET. UNQTE.
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